THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 13848 of 2006

Oral order:

The petitioner states that his mother is the legally wedded wife of his father, who died in harness while working with the AP GENCO. The petitioner further states that when he applied for the death benefits of his father, respondent Nos. 1 and 2 refused to release the death benefits, and on the other hand, are taking steps to release the death benefits in favour of the 3rd respondent, who claimed to be the second wife of his father. It is the grievance of the petitioner that though he got issued legal notice dated 15.06.2006 to the official respondents, they have not replied to the same till date.

Heard the learned counsel for the petitioner and the learned Standing Counsel for respondent Nos. 1 and 2-AP GENCO.

Prima facie, there appears to be dispute as to who is the legally wedded wife of the deceased, whether it is the petitioner's mother or the 3rd respondent, entitling them to receive the death benefits. This dispute, cannot be resolved in a writ petition. The remedy of the petitioner, if any, is to approach the competent civil court, and get the dispute settled.

Now that the petitioner is said to have got issued legal notice dated 15.06.2006 to respondent Nos. 1 and 2-AP GENCO requesting them not to release the death benefits of his father in favour of respondent No.3, it is expected that respondent Nos. 1 and 2-AP GENCO, would reply to the said legal notice, before taking steps for releasing the death benefits of the petitioner's father, if not already replied, expeditiously.

With the observations, as above, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 10th July, 2006
KSR